(3) CF 200

IN THE HIGH COURT OF JUDICATURE AT BILASPUR, C.G.

WRIT PETITION NO. 2845 / 2003 Single Bench

PETITIONERS :

1) Ram Sai, S/o Gendi, aged about 65 years, caste Rajwar, R/o Village Odgi, police station Jhilmili, Tahsil Surajpur, Distt. Surguja (C.G.)

2) Rajau, S/o Ramdhari, aged about 64 years, R/o Village Paldanouli, police station Jhilmili, Tahsil Surajpur, Distt. Surguja (C.G.)

P. R. No. 26/8/03
Presented by Shri A.N. Mehta
dated 09.8.03

VERSUS

RESPONDENTS :

1) Jaipal, S/o Shri Sundar Sai, aged about 45 years, caste Gond, R/o village Paldanouli, Tahsil Surajpur, Distt. Surguja (C.G.)

2) Member of Board of Revenue, Bilaspur (C.G.)

3) Collector Suruja, Distt. Surguja (C.G.)

4) S.D.O. (Revenue) Surajur, Distt. Surguja (C.G.)

5) State of Chhattisgarh, through Secretary, Revenue Department, D.K.S. Bhawan, Raipur (C.G.)

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WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

1) **Particulars of the petitioners :**

As mentioned in the cause title above.

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

47

आदेश पत्रक

मामला क्रमांक WP 2845 सन् 2003

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

12.09.2003

Shri A.K. Shukla, counsel for the petitioners.

Shri Ranbir Singh, Govt. Advocate for the State / respondent no.3 to 5.

By this petition under Articles 226 & 227 of Constitution of India, the petitioner seeks to challenge the order-dated 05.08.2003 passed by respondent no.2- Board of Revenue by which the stay application of the petitioner has been rejected.

Facts leading to filing of this writ petition are that the petitioner herein purchased a piece of land admeasuring 8.64 acres in the year 1967 by a registered sale-deed after obtaining permission from the Collector as per the provisions of M.P. Land Revenue Code and since then the petitioners are in possession of the land. The Halka Patwari made a complaint before the Sub Divisional Officer in the year 1997 and after enquiry the Sub Divisional Officer turned down the complaint of the Patwari. Thereafter, respondent no.1- Jaipal son of the seller Sunder Sai filed an appeal before the Collector and on appeal, the Collector vide its order dated 30.06.2003 set aside the order of the Sub Divisional Officer and ordered for return of the land to the respondent no.1. Against the said order the petitioner filed a revision petition which is pending before the Board of Revenue. However, the Board of Revenue rejected the stay application of the petitioner.

Learned counsel for the petitioners submits that if the possession of the land is delivered to the respondent no.1 then

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर (48)

आदेश पत्रक

मामला क्रमांक ५ ए २४५ सन् 2003

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

the purpose of filing revision petition will be frustrated. Moreover, the land in question was purchased by the petitioners after having due consideration and after obtaining valid permission from the Collector in the year 1967 and the petitioners are continuing in the possession of land in question since then.

I have heard the learned counsel for the parties.

Having heard the learned counsel for the parties and having regard to the facts and circumstances of the case and having regard to the material before this Court that the permission was granted by the then Collector, it is directed that the Revenue Board should decide the revision petition filed by the petitioners within a period of two months from today and till then the possession of the petitioner should not disturbed.

With this observation and directions, this writ petition stands disposed of. Consequently, M.W.P. No.2601/2003 and I.A. No.8520/-2003 also stand disposed of.

Certified copy as per Rules.

Sd/-
L.C. Bhadoo
Judge

Roshan

[पीछे देखिये